

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3602**

April 11, 2022

Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Ave., N.E.  
Washington, D.C. 20500

Dear President Biden,

In the early morning hours of Sunday, April 3, 2022, three women and three men were shot and killed in the streets of Sacramento, California. Another 12 people were wounded in the shooting. Police have arrested two brothers in connection with the violence.

Smiley Martin, 27, was arrested while hospitalized with serious injuries from the gunfire. He will likely be charged with possession of a firearm by a prohibited person, and possession of a machine gun. Smiley Martin has a violent criminal history dating to 2013. Martin, who was released early from state prison in February, has been described by prosecutors as "...an assaultive and non-compliant individual [with] absolutely no regard for his victims."<sup>1</sup> Smiley's brother, Dandrae Martin, 26, has been booked as a "related suspect," charged with assault with a deadly weapon, and being a convict carrying a loaded gun.

After news of the shooting broke, the country heard calls for more gun control from your White House. You released a statement asking Congress to pass background checks, "assault weapon" and "ghost gun" bans, as well as magazine capacity limits. In other words, your solution to prevent shootings like the one in Sacramento, is to pass more gun control laws like the ones in Sacramento.

California already has the nation's most onerous gun control laws, including universal background checks and a state database of firearm sales. Every rational American is wondering why violent criminals, like Smiley and Dandrae Martin, are out on the streets, possessing guns they should not have. Nevertheless, your Administration's reaction is to promote an agenda you know would not have made a difference.

You were quick to call for a federal ban on unfinished frames and receivers (deceptively referred to as "ghost guns") without any evidence such a gun was involved. You demanded legislation to require a background check for all gun sales, despite the fact that the individuals arrested were prohibited persons who would never have passed a background check in the first place. You

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<sup>1</sup> Sam Stanton, *Suspect In Sacramento Mass Shooting Was Out Of Prison Despite 10-Year Term*, Kansas City Star, Apr. 6, 2022, <https://bit.ly/3NRNPIU> (last accessed Apr. 6, 2022).

want a federal ban on “assault weapons and high-capacity magazines” (more deceptive verbiage), failing to note that police have recovered a stolen handgun illegally modified to run as a fully automatic machine gun. Finally, you asked Congress to repeal gun manufacturers’ protection from liability, an endeavor that has no impact on stopping these types of violent acts whatsoever.

On the last point, you were seemingly referring to the *Protection of Lawful Commerce in Arms Act (PLCAA)*. As you know, the *PLCAA* shields gun manufacturers from lawsuits in situations where a gun, criminally used, was legally made, and legally sold at retail. You frequently highlight a *PLCAA* repeal as a groundbreaking initiative that will save the American people from violent crime.<sup>2</sup> It will not. It will be used as a bludgeon to sue manufacturers into bankruptcy, and you know it.

Instead of stopping there, today you decided to double-down on your misguided agenda. The Biden Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) published its final “Ghost Gun Rule,” entitled “Definition of ‘Frame or Receiver’ and Identification of Firearms.” To say that your ATF pulled a “fast one” on millions of law-abiding Americans is the understatement of the century. The rule is more expansive than what you initially proposed. The rule ends the online sale of gun parts at will. The rule mandates the serialization of many gun parts, forcing Americans to undergo background checks to repair or replace parts. Lastly, the rule requires that 100 percent of Firearm Transaction Records from gun stores, dating back to 2002, be included in the ATF’s billion-record gun registry.

You tout the serialization of partially finished frames and receivers as a “commonsense gun-control” measure. Ultimately it is more about “people-control,” and the American people know it. History has shown that registration (i.e. serialization) leads to confiscation. This was true in Australia, New Zealand, and South Africa (and elsewhere). It is happening in Canada right now.<sup>3</sup> The fact that you would not hesitate to implement the same framework here in the United States is shocking and flies in the face of the Second Amendment.

Shortly after your announcement of the “ghost gun” rule, you nominated the Bloomberg-endorsed Steve Dettelbach, a D.C. lawyer at BakerHostetler, and former U.S. Attorney, to serve as the next ATF Director.<sup>4</sup> Dettelbach’s written record of his view on the Second Amendment is somewhat cautious, unlike that of your previous failed ATF nominee: rancorous anti-gun lobbyist David Chipman. That said, if history is any indication, I have no reason to believe Dettelbach does not harbor the same lack of respect for the fundamental rights of law-abiding Americans to protect themselves, and their families, as they see fit.

It saddens me greatly when Democrats heartlessly use tragedies like the one in Sacramento to advance an anti-gun-rights agenda, with absolutely no relationship to the crime. Further still, it is

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<sup>2</sup> “Look, repeal the liability shield that makes gun manufacturers the only industry in America that can’t be sued — the only one. Imagine had we done that with the tobacco manufactures,” State of the Union Address (March 1, 2022), <https://www.whitehouse.gov/state-of-the-union-2022> (last accessed Apr. 6, 2022).

<sup>3</sup> Canada: Trudeau’s Liberal Government Imposes Immediate Ban on “Assault Weapons,” NRA-ILA (May 11, 2020), <https://bit.ly/3v2guME> (last accessed Apr. 11, 2022).

<sup>4</sup> Everytown Applauds Biden-Harris Administration’s Finalization of Ghost Guns Rule, Nomination of New ATF Director, <https://bit.ly/3EaiExR> (last accessed Apr. 11, 2022).

hard to watch politicians talk about the desperate need to pass laws that only the law-abiding will observe. I fail to see how your statement(s) – or your broader gun control agenda – is any different.

Sincerely,

A handwritten signature in blue ink that reads "Markwayne Mullin". The signature is written in a cursive style and is underlined with a single horizontal line.

Markwayne Mullin  
Member of Congress